

**Remarks**

**1. The Rejection of Claims 1, 2 and 4-12 over Eller et al. (US Patent Application No. 2006/0050012) in view of Lacayo et al. (US Patent Application No. 2003/0210240).**

In the Office Action claims 1, 2 and 4-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al. (US Patent Application No 2006/0050012) in view of Lacayo et al. (US Patent Application No 2003/0210240). Reconsideration is requested.

Claim 1 on file describes an electronic display system having an electronic display apparatus comprising the following features:

- a. an electronic non-volatile display device for displaying an image composed by a number of pixels;
- b. the display device having the form of an endless loop;
- c. a display driver circuit
- d. a printhead, with a number of electrodes, lower than the number of pixels;
- e. a storage means for storing at least one image;
- f. transferring means for transferring the content of the at least one image from the storage means to the display device and
- g. a connecting means for connecting the display system to a network central processor.

Eller et al. discloses an electronic billboard having features c, e, f and g.

Features a, b and d are not disclosed in Eller et al.

Feature a can be found in Lacayo et al.

The Office Action mentions also Dances (page 4, line 3). It is supposed that by Dances is meant US Patent No 6,778,198.

Dances discloses a printhead for a non-volatile display according to feature d.

In the Office Communication, the following conclusions are drawn with respect to the combination of the teachings from Eller and from Lacayo and the combination of the teachings from Eller and from Dances:

“Therefore it would have been obvious to allow the usage of a non-volatile display device similar to that which is taught by Lacayo et al. in a billboard apparatus similar to that which is taught by Eller et al. in order to thereby provide a billboard apparatus having an electronic display which is capable of retaining an image when powering of the drivers is turned off thereby providing a reduction of power.” (page 3, 4<sup>th</sup> al.)

“It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the flexible display with a printhead as disclosed by Dances into the billboard display system of Eller et al as the Dances system enables reduction of power consumed while displaying images for extended periods of time (col, 1, lines 12-20) and enables the user to change displayed images repeatedly (col. 1, lines 12-20).” (page 4, last sentence of 1<sup>st</sup> al.)

Applicants respectfully disagree with these conclusions.

First, regarding the combination of Eller and Lacayo:

It is the intention of Eller to display still and video images, in a manner similar to a television or a computer display (see paragraphs [0009] and [0021]. However, in Lacayo, a system is disclosed for displaying fixed images (“messages”), updated only as necessary to the message being displayed (see paragraph [0008]). The Lacayo system is clearly not suited for displaying video images (television or computer display) which is the goal of the Eller display. The modification, proposed by Lacayo, would require the prior art invention (by Eller) to be modified in such a way as to be unsatisfactory for its intended purpose and there is thus no suggestion or motivation to make the proposed modification (see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed.Cir. 1984)). An important condition for establishing a *prima facie* case of obviousness is thus not met when combining Eller with Lacayo. It can even be said that Eller teaches away from solutions according to Lacayo.

Regarding the combination of Eller and Dances:

As Dances discloses a printhead, which can only be used in displaying fixed images, similar to the images displayed by the Lacayo system, the same arguments can be used against the obviousness rejection based on the combination Eller with Dances as those raised above against the obviousness of the combination Eller with Lacayo. An important condition for establishing a *prima facie* case of obviousness is thus also not met when combining Eller with Dances.

Even supposing that a combination of Eller with Lacayo and Dances could be made - which in reality is not the case- such a combination would not disclose feature b: “the display device having the form of an endless loop”. In the Office Action, page 4, lines 3-4, it is said that :”Dances discloses an electronic flexible display (Fig. 3, item 200, col. 5, lines 59-65) which is conformed to any shape desired.” In the cited passage from Dances, only “a Gyricon electric paper sheet” is mentioned which is clearly not an endless loop. In general language, by sheet is meant a rectangular piece of material, without a special suggestion towards an endless loop. The Gyricon paper sheet of Dances being encapsulated between two layers, the flexibility of the complete unit is even questionable. On top of that, Dances clearly teaches away from an endless loop. Indeed, in Fig. 3 of Dances the sheet 200 is shown as a flat element, the printhead 100 being arranged in a direction perpendicular to the sheet. The movement of the printhead is indicated by a double arrow, which means that the printing is performed by moving the printhead over the sheet to be printed. Such an arrangement of printhead and sheet to be printed can be used only with difficulty, if not impossibility, in an endless loop system. In such a system, the practical arrangement of printhead and sheet to be printed consists in an endless loop, moving in front of the printhead (see Fig. 2B of the present invention, the printhead 122, roller 210 and the endless loop 124).

Dances thus does not disclose an endless loop and in fact even teaches away from it.

Therefore, as none of the cited references disclose all the features of claim 1, claim 1 is in no manner anticipated by the prior art.

The subject-matter of claim 1 is also non-obvious in view of the prior art at least for the following reasons:

- one of the features, the endless loop, is not disclosed in any prior art reference;
- the references do not suggest the desirability and thus the obviousness of making the combination.

The claim is therefore submitted to be allowable over the prior art.

Independent method claim 12 contains the same features as claim 1. Claim 12 is thus also submitted to be novel and non-obvious over the prior art.

Claims 2 and 4-11 are all claims depending on claim 1. They are thus also submitted to be novel and non-obvious at least by virtue of their dependency.

2. **The Rejection of the Claim 3 over Eller et al. (US Patent Application No. 2006/0050012) in view of Lacayo et al. (US Patent Application No. 2003/0210240) and Dances (US Patent No. 6,778,198) and further in view of Poliakine (US Patent Application No 2003/0146891).**

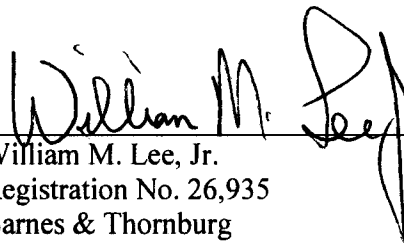
In the Office Action, page 5, point 5, claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al in view of Lacayo et al and Dances as applied to claims 1,2 and 4-12 above, and further in view of Poliakine (US Patent Application No 2003/0146891).

As explained above, claim 1 is now submitted to be allowable. Claim 3 being a claim dependent on claim 1, claim 3 is also submitted to be allowable.

Given the above, it is submitted that the application is in condition for allowance, and the Examiner's further and favorable reconsideration is urged.

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Respectfully submitted,

  
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